

# EXHIBIT A

1 COMMONWEALTH OF MASSACHUSETTS  
2 FOR THE DISTRICT OF MASSACHUSETTS  
3 C.A. NO. 02-12216 RGS Rule 30 Deposition

4 -----)  
5 H. CHARLES TAPALIAN )  
6 Plaintiff )

7 vs. )

8 LAWRENCE HAVRYLIK, ET AL, )  
9 Defendants )  
10 -----)

11 DEPOSITION OF LAWRENCE HAVRYLIK, taken  
12 on behalf of the Plaintiff, pursuant to Rule  
13 30 of the Massachusetts Rules of Civil  
14 Procedure, before Lynn L. Lake, a Certified  
15 Shorthand Reporter and Notary Public within  
16 and for the Commonwealth of Massachusetts,  
17 at the offices of GOUDREAU & GROSSI COURT  
18 REPORTING, 63 WINTHROP STREET, TAUNTON, MA,  
19 commencing on April 8, 2005, at 9:56 a.m.  
20 pursuant to Notice and agreement of parties  
21 as to the date and time of taking said  
22 deposition.

23 \* \* \* \* \*  
24 Goudreau & Grossi  
Court Reporting Service, Inc.  
63 Winthrop Street  
Taunton, MA 02780  
(508) 823-4659

- 1 A. Typically it was when the -- I'm trying to  
2 think of the right -- the subject of the  
3 Executive Session was resolved. You know,  
4 usually that's when the minutes would be  
5 released so it could be made public. It  
6 wasn't a pending thing typically.
- 7 Q. From week to week and month to month and year  
8 to year, was there a procedure that was  
9 followed as far as an ongoing review of what  
10 had not been released; were they all in a  
11 pile, "this hasn't been released," and you'd  
12 have to keep looking at them?
- 13 A. The secretary basically dealt with that. From  
14 time to time she would sort of try to thin the  
15 pile down, you know. I really didn't have any  
16 direct involvement with that. That was pretty  
17 much a housekeeping matter for the office.
- 18 Q. During your term, what if any steps were taken  
19 to make sure that the minutes were accurate?
- 20 A. We'd review them after they were compiled by  
21 the secretary and then, you know, if we voted  
22 to approve -- we could make changes, you know,  
23 if we felt something wasn't quoted properly.
- 24 Q. These were not -- were these intended to be

1           verbatim minutes of everything that was said?

2       A.    No.

3       Q.    So they were intended to be summaries --

4       A.    Yes.

5       Q.    -- of what was said?

6       A.    Yes.

7       Q.    Thank you.

8                       Now, before I get to the specifics of  
9           this, Mr. Kinniburgh is mentioned here; have  
10          you ever discussed Mr. Tapalian with  
11          Mr. Kinniburgh outside of selectmen meetings?

12       A.    No.

13       Q.    Mr. Varone also, have you discussed him with  
14          Mr. Varone?

15       A.    I've discussed the case with Mr. Varone.

16       Q.    Outside of Executive Session?

17       A.    Yes.

18       Q.    What discussions have those been?

19       A.    Just the fact that it was pretty incredulous  
20          that I got involved in this whole thing. And  
21          he and I are friends and that was it.

22       Q.    What about this Lauren Leonard; have you ever  
23          discussed it with her?

24       A.    I really had very little contact with her

1 Mr. Kinniburgh makes this motion?

2 MR. SILVERFINE: Objection as to  
3 form. You can answer.

4 A. Again, I assume there was but I don't recall.

5 Q. Do you know the reason that it does not appear  
6 in these minutes --

7 MR. SILVERFINE: Objection as to  
8 form. You can answer.

9 Q. -- if it did occur?

10 A. Other than the fact that the minutes are -- I  
11 think the only thing that's obliged to be in  
12 the minutes are what motions were made and the  
13 votes. So it just wasn't required, and  
14 somebody made a judgment not to include it I  
15 guess.

16 Q. Who makes that call; is it Ms. Dacanay?

17 A. I would think basically, yes, to the level of  
18 detail.

19 Q. It's pretty much her call?

20 A. Right.

21 Q. Did you ever give her instructions one way or  
22 the other as to what should or should not be  
23 included in the minutes?

24 A. No.

1           they're not always as they appear and it's  
2           just -- I relied on our Town Counsel to deal  
3           with those kind of things. I have no special  
4           knowledge or expertise in that area.

5       Q.   From time to time, looking through the minutes  
6           that we have and so forth, decisions had to be  
7           made concerning Mr. Tapalian's situation; is  
8           that correct?

9       A.   Yes.

10      Q.   And you participated in the decision making?

11      A.   Yes.

12      Q.   And you -- let me rephrase that.

13                       were there any times in which you  
14           voted to -- voted in such a way as to take a  
15           position contrary to what was being suggested  
16           by Town Counsel?

17      A.   Not that I recall, no.

18      Q.   Any time that you took a position contrary to  
19           what was being suggested by the Town  
20           Administrator --

21      A.   I can't cite specifics --

22      Q.   -- concerning Mr. Tapalian?

23      A.   Concerning Mr. Tapalian, not that I recall.

24                       MR. REILLY: I realize in six